R1372-2

Refugee Reports

A News Service of the U.S. Committee for Refugees
1025 Vermont Avenue NW, Suite 920 Washington, DC 20005 (202) 347-3507

Volume XII, Number 10 **October 31, 1991**

REFUGEE ADMISSIONS UP IN FY 92, BUT FUNDING REMAINS AT FY 91 LEVELS

In FY 1991, the United States admitted about 113,000 refugees, allocating roughly $205 million of federal funds to bring them into the country and another $410 million to help resettle them. On October 9, President Bush established an FY 92 worldwide admissions ceiling of 142,000 refugees. But, to the growing dismay of state and local governments, the Administration has allocated the same amount of money as last year, despite the 29,000 increase in admissions.

Cost-saving measures outlined by the federal government in its annual refugee consultations with Congress include an unfunded allocation of 10,000 slots for private sector admissions and a further reduction in the period of reimbursement to states for refugee cash and medical assistance costs.

The increase in the FY 92 ceiling results from the Administration's decision, with strong support from members of Congress and resettlement agencies, to carry over a projected shortfall of 11,000 Soviet admissions in FY 91 and add it to the FY 92 Soviet ceiling.

The President's formal proposal for the admission of up to 142,000 refugees in FY 92 was made at annual refugee consultations between Administration officials and members of the House Subcommittee on International Law, Immigration, and Refugees and of the Senate Subcommittee on Immigration and Refugee Affairs, held on September 23 and 24 respectively. The 132,000 funded admissions include regional ceilings of 6,000 for Africa, 52,000 for East Asia, 3,000 for Eastern Europe, 3,000 for Latin America and the Caribbean, 6,000 for the Near East and South Asia, and 61,000 for the Soviet Union. The Administration request also includes an unallocated reserve of 1,000 funded admissions spots to be allocated to "the most needy regions during the course of FY 1992."

With Congress unable to pass all 13 budget appropriations bills before the beginning of the new fiscal year on October 1, the federal government will operate through November 14 on a short-term continuing resolution (CR).

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A five-month CR on the Foreign Operations Appropriations bill, which includes the Migration and Refugee Assistance (MRA) budget for the Department of State, provides $560.6 million for refugee admissions, assistance, and other activities, including $45 million in aid to Israel for the resettlement of Soviet Jews. Although this represents $75 million more than the FY 91 MRA budget of $485.6 million, State Department officials are saying, at least at the moment, that the additional funds are restricted for use in assisting displaced persons in and around Iraq.

Although it is unclear exactly how much money will be allocated for refugee admissions, voluntary resettlement agency sources told *Refugee Reports* that it would be premature at best to expect anything more than the FY 91 level of $205 million.

The Labor/HHS Appropriations bill, which was approved by a conference committee October 29, includes $410 million for the Office of Refugee Resettlement (ORR), the same amount as its FY 91 budget for domestic resettlement services. Congress is expected to pass the bill some time in early November.

Chris Gersten, director of the Office of Refugee Resettlement (ORR), told House subcommittee members that in order to adjust to the expected funding levels, it is necessary to shorten the duration of the special programs of refugee cash and medical assistance known as RCA and RMA. Gersten said that currently these programs are available during a refugee's first 12 months in the United States. But beginning on October 1, they become available to newly arriving refugees only during their first eight months here.

In addition, effective December 1, RCA and RMA will be available to current recipients only during their first eight months. Said Gersten, "We advised States of these changes earlier this month." He noted that "the reduced availability of RCA and RMA will require special efforts on the part of states, as well as public and private agencies that provide services to refugees, to assist refugees to become self-sufficient more quickly." Rep. Romano Mazzoli (D-Ky.) asked the Administration witnesses, "Are we trying to have our cake and eat it too, as they used to say? Trying to have a generous refugee program and at the same time not wanting to pay for it?"

At the Senate hearing, Senator Alan Simpson (R-Wyo.) said, "We here in Congress and in this subcommittee continue to listen to a litany of complaints from state and local governments that feel very put upon by the increasing numbers of refugees for whom they must provide services while the federal reimbursement for the cost of these services goes down." He added, "I believe that the proposed admission level for fiscal 1992...is going to stretch local resources to the bursting point."

Simpson also argued that increasing admissions without providing the necessary funding will erode political support in the United States for a generous refugee resettlement policy. "When you see our colleague and our friend Pete Wilson, governor of a state [California] where nearly half of our refugees live, publicly state that refugee admissions might need to be cut if per-capita refugee funding continues to decrease, this is a sign of a serious erosion in political and public support."

Unallocated Reserve of 1,000 Proposed Besides the carryover of the 11,000 FY 91 Soviet shortfall into FY 92, the other noteworthy development in the proposed admissions numbers is the inclusion of an unallocated reserve of 1,000. Both the UN High Commissioner for Refugees (UNHCR) and InterAction have recently called for a funded, geographically unallocated reserve to be used for refugees identified by UNHCR as being particularly at risk or vulnerable but who might not fall into other priority categories for U.S. resettlement (see *Refugee Reports*, Vol. XII, No. 6).

InterAction's Committee on Migration and Refugee Affairs called for an unallocated reserve of 1,500 for that purpose in its recommendations to the Administration on FY 92 refugee admissions. In a written statement submitted to the House subcommittee, Ralston H. Deffenbaugh, Jr., executive director of the Lutheran Immigration and Refugee Service (LIRS), added his support. "We recommend that the U.S. processing priorities be expanded to include a category of 'refugees at risk,' to be referred only through the UNHCR headquarters in Geneva. In this way, a

FY 91 U.S. REFUGEE ADMISSIONS AND FY 1992 CEILINGS

REGION	FY 91 AUTHORIZED LEVELS	FY 91 REALLOCATION	FY 91 ESTIMATED ARRIVALS	FY 92 CEILINGS
Africa	4,900	4,900	4,000	6,000
East Asia	52,000	53,500	53,500	52,000*
Eastern Europe	5,000	7,000	7,000	3,000
Latin America/ Caribbean	3,100	3,100	2,500	3,000
Near East/ South Asia	6,000	6,000	5,000	6,000
Soviet Union	50,000	46,500	38,000	61,000**
Unallocated	—	—	—	1,000
Subtotal	121,000	121,000	110,000	134,000
Privately Funded (Unallocated)	10,000	10,000	2,300	10,000
Total	**131,000**	**131,000**	**112,000**	**142,000**

*Includes Amerasian immigrants and their families who enter as immigrants under a special statutory provision, but receive benefits as refugees.

**Includes 50,000 proposed admissions for FY 1992 plus the fiscal 1991 shortfall of 11,000 that the Administration proposed admitting in FY 92.

Source: U.S. Coordinator for Refugee Affairs

balance of priority cases and geographical needs can be achieved," he said.

While the Administration did not link the proposed unallocated reserve to resettlement of refugees deemed to be vulnerable or at-risk by UNHCR, Eagleburger told the Senate subcommittee, "We are working with UNHCR to establish mechanisms which will allow our admissions program to be even more responsive to finding resettlement opportunities for high risk or other priority needs cases."

FY 1991 Soviet Admissions Shortfall Added to FY 1992 Admissions Ceiling During FY 91, many Soviets approved for admission as refugees experienced difficulties obtaining exit permits. The Soviet authorities were requiring them to produce letters from first-degree relatives in the United States, which many could not do. According to the Administration, that led to a shortfall in anticipated total admissions. The Administration therefore added the FY 91 shortfall of 11,000 to the 50,000 admissions which had been planned for in the President's budget request for FY 92.

Eagleburger expressed concern, however, about recent reports that some of the Soviet republics "are reverting to the restrictive practices which pertained prior to the implementation of the new [Soviet] law.... If such a trend develops as republics take over more responsibility for emigration from the central government, it will adversely affect U.S. relations with those republics."

Harold J. Johnson, of the U.S. General Accounting Office's (GAO) National Security and International Affairs Division, reported to the House subcommittee on the findings of a July

1991 GAO report, *Soviet Refugees: Processing and Admittance to the United States Has Improved.* Johnson said, "The system for processing Soviet refugees in Moscow appears to be efficient and working well.... The INS adjudication process appeared to have been applied consistently to all applicants."

However, Johnson added, "INS was not adjudicating category members' refugee claims in accordance with its established processing guidance, which required that category applicants, in order to establish a credible basis for fear of persecution, must assert an accumulation of discriminatory or prejudicial actions against them."

At the Senate consultations, Simpson told INS Commissioner Gene McNary, "The GAO testified yesterday...that INS officers...'were granting refugee status to category members based on an applicant's assertions of a single, even minor, incident of discrimination or prejudicial action at any time during his or her life.' I have a great difficulty with the Lautenberg amendment because it is... nationality specific, and I think that it flies in the face of the Refugee Act.... However, if INS is not even... [applying] that very low standard, I surely would be even more greatly concerned. So, two questions: Is this observation by GAO correct? And, may we have some assurances you will inquire into this issue?"

McNary responded, "Yes and yes.... We believe that they [the adjudicators] have been overly generous, and that will be corrected this week."

Africa Ceiling Raised Again Ambassador Jewel Lafontant-Mankarious, U.S. Coordinator for Refugee Affairs, told the subcommittees, "For FY 1992, the President proposes the admissions ceiling be set at 6,000. The FY 1991 admissions ceiling for Africa was 4,900--a thirty percent increase over FY 1990 actual admissions of 3,500 and a seventy percent increase over the original FY 1990 African ceiling."

The Administration anticipates that only 4,000 of the 4,900 FY 1991 places will be used in FY 1991. "Extraordinary efforts are being made to move as many of the INS-approved cases before the end of FY 1991 as possible. However, processing from the largest processing post in Africa--Khartoum--was suspended in January when the U.S. embassy was evacuated," she said.

That post has now reopened and processing resumed, although the United States is not accepting applications for resettlement from Ethiopians who entered Sudan after the fall of the regime of Mengistu Haile Mariam in May 1991 (see *Refugee Reports* Vol. XII, No. 7).

Sudanese and Ugandans have been added to the list of designated nationalities of particular humanitarian concern for FY 1992, joining Angolans, Ethiopians, Liberians, Mozambicans, Somalis, South Africans, and Zaireans.

East Asia: ODP Processing Accelerates According to Eagleburger, "During the past year, an interagency effort involving INS and the Department of State has allowed the United States almost to double to a level of 10,000 the number of persons interviewed each month by the Orderly Departure Program (ODP). As a result, we hope to be able to complete all Amerasian interviews by mid-1992 and by late 1992 have eliminated the backlog in immigrant issuance in Vietnam." He said that former reeducation center detainees are now being admitted to the United States at a rate of almost 2,000 per month.

As in FY 91, in FY 92, there will again be a single admissions ceiling for East Asia of 52,000. That number encompasses both ODP and first-asylum admissions. According to the U.S. Coordinator's report to Congress, "Priority will continue to be given to meeting the U.S. first asylum commitment under the CPA [Comprehensive Plan of Action] to reduce the burden of Vietnamese refugees in the ASEAN nations and Hong Kong. In FY 1992, we estimate first-asylum admissions could be 12,000, and ODP refugee admissions are expected to number 40,000."

Eastern Europe and Latin America/Caribbean Admissions: 3,000 Each Ambassador Lafontant-Mankarious told subcommittee members, "The democratic reforms that have swept through Eastern Europe in the last two years have reduced the number of refugees from this part of the world." Proposed admissions from Eastern Europe will drop from an adjusted ceiling of 7,000 in FY 91 to 3,000 in FY 92. Nationalities designated for refugee processing for FY 92 have yet to be determined.

Virtually all of the 3,000 admissions from

the Latin America and Caribbean region in FY 92 are expected to be Cubans. Processing for Cubans in-country will be in priorities one through five, with an expanded definition of priority four.

The practice of earmarking almost all these places for Cubans continues to draw criticism from private voluntary agencies. LIRS's Deffenbaugh said, "LIRS has consistently raised with the Administration the lack of attention of the U.S. refugee admissions program to other potential refugees from the Latin America region, in particular those in El Salvador and Guatemala. While many of the refugee creating situations in Central America seem to be heading towards durable solutions, Salvadorans and Guatemalans continue to leave and seek safe haven outside of their countries."

Ceiling for Near East/South Asia Unchanged
Despite the dramatic and much-publicized events involving refugees in this region during FY 91, the Administration does not anticipate an increased need for refugee resettlement. According to a report submitted by the Administration, "The response of the international community to the difficult situation of Iraqis who fled to Turkey, Iran, and other neighboring countries at the end of the war has been positive. Ongoing efforts are being made to secure the home areas of these people so that they can return safely. We do not believe that third-country resettlement is the durable solution for this group."

Iranians, primarily members of minority religions, and Afghans continue to fill most places from this region. Although resettlement applications by Afghans continue to be numerous, the Administration report says that "INS is finding fewer applicants who qualify as refugees." As a result, since April 12, 1991, the United States is only accepting applications from Afghans meeting priority one criteria (in immediate danger of loss of life).

Recent Developments

KHMER ROUGE THREATEN TENS OF THOUSANDS WITH FORCED RETURN

In early October, a hard-line faction of the Khmer Rouge military deposed the civilian administration in Site 8, took control of the UN-administered camp in Thailand housing 43,000 Cambodian displaced persons, and announced that the camp population must return to KR-controlled areas in Cambodia. The move prompted a storm of international protest, including a strong statement from the UN Secretary General calling the Khmer Rouge repatriation plan a "direct contradiction" of the Cambodian peace agreements.

The international pressure has forced the Khmer Rouge leadership to delay movements, according to relief workers on the Thai-Cambodian border, but they say that the threat of forced repatriation remains. And although a comprehensive peace plan was signed in Paris on October 23--binding the four Cambodian political factions, among other things, to abide by UN plans for safe and voluntary return--many observers say that Khmer Rouge actions in Site 8 present the first real test of the group's commitment to peace on any other terms but its own.

Observers say that the developments in Site 8 reflect a split in the Khmer Rouge between more moderate elements who want to show cooperation with the UN peace agreement and repatriation plan, and a recidivist military faction looking to consolidate territorial control.

On September 30, a faction of the Khmer Rouge military headed by General Nikorn called 20 members of the Khmer civilian administration in Site 8 to a meeting at Khao Din, a KR satellite camp several kilometers from Site 8. The 20 men were detained there and replaced by five KR military officials who now claim to be the new administration of Site 8.

Repatriation Site Is a "Dangerous Area" According to relief workers on the border, the new military authorities initially told the civilian population to prepare to return to Cambodia during a three day period from October 20 to 23. The first group summoned to go back were approximately 200 Khmer section leaders and program supervisors.

A nonprofit advocacy group based on the Thai-Cambodian border, the Coalition for Peace and Reconciliation (CPR), has reported that the intended area of repatriation, Phnom Sam Pov Loon, "is a dangerous area due to landmines, malaria, and lack of rice and medicine. Many

camp residents have expressed fears to NGO [nongovernmental organization] staff about being forced to return to this area."

The UN Border Relief Operation (UNBRO), which is responsible for basic relief services to the camp, has refused to recognize the authority of the military committee. On October 8, UNBRO officials wrote to the Thai Supreme Command, urging them to prevent all armed Cambodians from entering Site 8.

"If the military comes in the night to get us, we cannot say no--we must go," one refugee said in a letter made available to *Refugee Reports*. "We are afraid and don't even trust each other. We were staying under pressure of these people long ago and our fear remains."

On October 12, Mr. S.A.M.S. Kibria, the Special Representative of the Secretary-General for Coordination of Cambodian Humanitarian Assistance Programs, issued a press statement saying, "Any such attempts to move these populations would be in conflict with the draft peace settlement for Cambodia which is due to be signed on October 23 in Paris and would be contrary to the agreed UN repatriation plan." Kibria said he was requesting Thai authorities to allow special cases seeking protection to be moved to alternative, UN-administered sites on the border. He called on all parties "to respect the proposed settlement plan for Cambodia including its agreed provision on the voluntary repatriation of the border population."

No Transfers for Protection Approximately 400 people in Site 8 have appealed to the International Committee of the Red Cross (ICRC) for protection and have requested transfer to other UN-administered border camps, preferably Khao I Dang or Site 2. So far, except in a few instances, this request has been denied by Thai authorities.

A senior Thai official told *Reuters* on October 13 that he does not expect Thailand to intervene in the KR repatriation plan. "They want to resettle their people in the area where natural resources are still rich and, of course, they want to keep control of their people pending the election, so I don't think we can do much to stop them," said the Thai source.

Susan Walker, regional director of the French relief group, Handicap International, urged the Thai government to seal off Site-8 in order to prevent both armed KR entry as well as forced exit. "Although the DPPU [Displaced Person Protection Unit] is doing an exemplary job with the staff they have," Walker said on October 23, "to date there has been no increase in Thai military presence around the camp and armed Khmer Rouge soldiers continue to enter Site 8 at night."

A team of five expatriate staff from UNBRO and the ICRC stays overnight in the camp, but "this only provides reassurance to the Khmer population...and not real protection," Walker said.

She also urged the Thai government "to reopen Khao I Dang, the only camp along the border not under Khmer administration, for the transfer of protection cases." Khao I Dang now houses about 14,000 Cambodian refugees under the administration of the UN High Commissioner for Refugees. Only a handful of protection cases have been moved at all from Site 8, Walker said, and these to Site 2, a sprawling border camp of 200,000 people run by the Khmer Peoples National Liberation Front, a noncommunist faction.

UN Secretary-General Protests On October 16, UN Secretary-General Javier Perez de Cuellar issued a statement saying he was "deeply disturbed by certain information...concerning the existence of separate plans for the repatriation of Cambodian displaced persons which are not consistent with the draft agreements, and which furthermore appear to be in direct contradiction with the guidelines and principles for repatriation that are an integral part of these agreements."

At talks in Paris in August 1989, the four Cambodian factions vying for political control of the country signed an agreement that stated, "Repatriation of Cambodian refugees and displaced persons should be voluntary and taken in full possession of the facts. Choice of destination within Cambodia should be that of the individual." The Secretary-General called upon Prince Norodom Sihanouk, in his capacity as president of the Supreme National Council of Cambodia, "to urge the parties concerned not to implement any unauthorized plans for the repatriation of Cambodian displaced persons."

On the same day of the Secretary-

General's statement, a Khmer Rouge radio broadcast announced that "if UNBRO needs to keep the Cambodian people in [Site 8] camp until its planned repatriation, it is up to UNBRO, as long as the people, who are farmers and need land to farm and earn a living, accept [remaining in the camp] of their own free will." The Khmer Rouge denied that any people from Site 8 had been returned involuntarily to Cambodian territory.

During the four years that the Khmer Rouge ruled Cambodia before being driven out by Vietnamese forces, the radical Maoist regime was responsible for the deaths of more than one million people through torture, execution, starvation, and forced labor.

As the United Nations gears up for what some have called its most ambitious undertaking in history--the interim administration of an entire country pending national elections--observers say much more is at stake in Site 8 than the fate of its residents. "If this effort [to prevent forced repatriation] fails," a UN official in Thailand told *Refugee Reports*, "the signal we send across the border is that the UN has no hand to play" in protecting civilians or enforcing commitments to the peace plan. "We become the little blue supply truck, and that's it."

VIETNAM AND BRITAIN AGREE TO FORCED RETURN OF VIETNAMESE BOAT PEOPLE IN HONG KONG

On October 29, the governments of Britain and Vietnam announced they had reached agreement on the forced return of all Vietnamese boat people in Hong Kong who have been rejected for refugee status. The United States has reiterated its long-standing opposition to forced repatriation to Vietnam, but recent statements suggest that the Administration is willing to make a distinction between forced and involuntary return. Vietnamese leaders in the Hong Kong camps have appealed to President Bush to intervene, and some are threatening mass suicide if any attempts are made to force them back.

Of the 65,000 Vietnamese now in Hong Kong, about 5,000 people have been screened in and are eligible to seek resettlement overseas, about 20,000 have been screened out, and the remaining 40,000 are still awaiting screening.

In December 1989, alarmed at an influx of Vietnamese boat people exceeding 34,000 for the year and seeking to deter any new arrivals, the Hong Kong government played a desperate trump card. Under cover of darkness, security officials removed 51 Vietnamese men, women, and children from a detention center and flew them back to Hanoi. In the face of international condemnation, the British government agreed to postpone any further involuntary returns, and for well over a year the matter rested.

Vietnamese boat arrivals in Hong Kong dropped to 6,600 in 1990, but then began to creep up again in 1991. From January to the end of September, nearly 20,000 Vietnamese had sought asylum in the British crown colony, including 3,000 in September alone, and nearly 65,000 boat people now crowd its refugee camps and detention centers.

Following a round of talks in late September between British, Hong Kong, and Vietnamese authorities, a spokesman for the UN High Commissioner for Refugees (UNHCR) announced on October 2 that Vietnam had "expressed its willingness" to take back any boat people who failed to qualify for refugee status under regional screening programs. Up until this time, Vietnam had joined with the United States in opposing forcible repatriation.

"The first of them may be forced onto planes or boats and sent home by the end of the year," a Western diplomat told *The New York Times*. "The saga of the Vietnamese boat people would be all but over. It could be a rather ugly ending."

Amid a flurry of protests from members of Congress and refugee and human rights groups, the Administration repeated its opposition to forced return. In an October 9 note to Sen. Claiborne Pell (D-R.I.), chairman of the Foreign Relations Committee, National Security Council Advisor Brent Scowcroft said, "I can assure you that we remain opposed to forcible repatriation to Vietnam under current conditions in Vietnam."

"Double-Backers" Will Be the First To Go Back

On October 21, the British government an-

nounced that, "as a first step," it had reached agreement with Vietnam on the return of 222 so-called "double-backers" who previously had returned voluntarily to Vietnam only to leave again. "These are non-refugees who have abused the voluntary repatriation system," said a statement released by the British embassy in Washington. "Having volunteered to return to Vietnam once, thereby benefiting from UNHCR's repatriation payment, they have entered Hong Kong illegally a second time out of economic self interest."

Under the terms of the October 29 agreement, the next group to be returned will be new arrivals who are to be screened within six weeks of entering Hong Kong. If they do not qualify for refugee status, they will be returned immediately. The last to be sent back would be the nearly 19,000 Vietnamese asylum seekers in Hong Kong who have already been screened out.

"We are determined that those who return must be able to do so in safety," the British statement continued. "No one who qualifies as a political refugee will be obliged to return. The Vietnamese government has guaranteed that no migrant who returns will face persecution. This guarantee will be monitored by the UNHCR."

The U.S. response to the British-Vietnamese agreement on the return of the "double-backers" was muted. "We fully understand the UK's concern about this group," said the State Department's Bureau for Refugee Programs (BRP). "We hope repatriation of the 'double-backers' and other developments, particularly a settlement in Cambodia, will stimulate more volunteers to return home. We would not expect force to be used."

The BRP statement continued, "The U.S. position on forcible repatriation is well-known. We oppose the forced repatriation to Vietnam of asylum seekers determined not to be refugees, under current conditions there." But in raising no objection to the return of the "double-backers", the clear suggestion in the statement is that, at least in the case of this particular group, the United States would draw a distinction between forced and involuntary return. As one U.S. official told *Refugee Reports*, "It's written right there between the lines."

The group of "double-backers" is being housed at Nei Kwu Chau camp on a small island some distance from Hong Kong. Resistance to repatriation is reportedly building in many of the larger camps, particularly Whitehead, which houses 25,000 people. Hong Kong newspapers have noted the deployment of additional police units with full anti-riot gear.

One Vietnamese leader in Whitehead told *Reuters*, "If armed police enter the camp to force us back, we will tie our hands and legs together so we are unified, and we will kill ourselves."

Human Rights Groups Raise Objections A number of human rights groups have raised objections to the prospect of any involuntary return to Vietnam, based on concerns about the reliability of the refugee screening process and the assurances of nonreprisal by the Vietnamese government.

In an October 23 letter to *The New York Times*, director of the Lawyers Committee for Human Rights' Refugee Project, Arthur Helton, said, "Deportation, always a harsh measure, clearly cannot be countenanced until procedures are fair and capable of recognizing those who are true refugees in need of legal protection and those leaving for other reasons."

Among the flaws that "seriously distort screening procedures" in Hong Kong, Helton cited "lack of legal counseling and assistance for refugee applicants; inadequate monitoring of interviews by impartial observers; problems with double interpretations (from Vietnamese to Cantonese to English and back...); failure to read back notes of interviews to applicants; and inadequate statements of reasons for negative decisions."

Helton also noted the "radical discrepancies" from one country to the next, ranging from 18 percent in Thailand to 40 percent in the Philippines (see chart, page 16).

While the British embassy insists that "in the last two and a half years more than 10,000 migrants have returned voluntarily to Vietnam from Hong Kong without a single substantiated case of persecution," Asia Watch has challenged this assertion. According to a statement released October 23, Asia Watch Executive Director Sidney Jones said, "People who have returned voluntarily have experienced varying degrees of

harassment and interrogation, and we fear that those forced back will encounter worse."

The Asia Watch statement also said that "it is not uncommon for returnees to be interrogated as to their associations and activities in Hong Kong or required to regularly report their activities to their local public security bureau. Others have complained of discrimination in applying for jobs or business licenses, and have been subject to fines and extortion by local officials."

FOLLOWING COUP IN HAITI, U.S. PRESSED TO END INTERDICTION

The overthrow of the democratically elected government of Haitian President Jean Bertrand Aristide, the violence associated with the coup, and the uncertain conditions that still prevail in Haiti have led a wide range of groups to urge the Administration to adopt measures to protect Haitians fleeing the conflict in Haiti and Haitians already in the United States.

Congressional resolutions introduced in the House of Representatives by Rep. Charles B. Rangel (D-N.Y.) and in the Senate by Sen. Connie Mack (R-Fla.) call upon the Administration to suspend all deportation and exclusion proceedings for Haitians in the United States, designate Haitians for temporary protected status (TPS), and end interdiction of Haitians at sea. The House resolution also calls for the U.S. Coast Guard to initiate a search and rescue-at-sea operation to bring rescued Haitians ashore and provide them safe haven.

In introducing the House resolution, Rangel said, "While I commend the actions taken so far by our government and the Organization of American States (OAS) [to condemn the coup], we are morally bound to take steps to help the people who have been forced to leave Haiti." Rangel added that the U.S. policy of deporting Haitians "has been an inhumane policy from the start." He added, "This bill is an emergency measure to deal with the current crisis, but I would hope the President opens his heart and makes it permanent, so this country no longer has to face the embarrassment of the double standard we have applied in dealing with Haitians compared to refugees of other nations."

Following similar appeals by a number of U.S. human rights organizations, on October 4, 1991 the OAS's Inter-American Commission for Human Rights, in an unusually public move, wrote to Secretary of State Baker urging the United States, for humanitarian reasons, "to suspend its policy of interdiction of Haitian nationals who are attempting to seek asylum in the United States." The OAS said that Haitians should not be returned to their country "because of the danger to their lives, until the situation has been normalized."

Letters co-signed by a host of U.S. private and voluntary agencies, human rights and advocacy groups, and religious organizations were also sent to the White House, the State Department, the Attorney General's Office, and the INS urging support for the measures proposed in the Congressional resolutions. The letters said, "We believe that these modest steps would go a long way to ensure that persons fleeing the current violence in Haiti are provided a modicum of safety, and that persons who are in danger if returned home can find temporary safe haven." They added, "As organizations concerned with the welfare of refugees, asylum seekers, and displaced persons in need of protection.... We call upon the United States government to provide leadership and protect the lives of Haitians who have fled the island, or who are leaving in fear of their lives."

Michael Hill, assistant director for government liaison for the U.S. Catholic Conference, one of the letter's signatories, told *Refugee Reports*, "I think there is a real chance that we will see these resolutions move through Congress."

John Fredriksson, Washington Representative of the Lutheran Immigration and Refugee Service (LIRS), says that the INS's recent return of four Haitians to Haiti demonstrates the need for a clear Administration policy regarding deportation at this time.

On October 23, 1991, INS spokesperson Duke Austin told the *Miami Herald*, "There is not a blanket suspension of deportation [of Haitians].... But we will be circumspect and cautious about returning anyone at this time." Nevertheless, according to the Miami Haitian Refugee

Center (HRC), on that same day, four Haitians were returned to Haiti.

The four arrived in Miami aboard a cargo ship on October 20. On October 22, INS officers boarded the ship, found that the four had suspect documents, and removed them. Although the four Haitians signed voluntary departure forms, HRC attorney Cheryl Little disputed whether the four in fact wished to return or were coerced into signing the forms. "Sworn statements from certain of the ship's crew... confirm that the four Haitians deported on Wednesday genuinely feared for their lives should they be returned to Haiti and wished to remain in the United States to file asylum claims," she said.

Fredriksson told *Refugee Reports*, "What is needed in the short-term is an official policy declaration by the Justice Department that they are suspending deportation." Without such a policy, it is left to the discretion of the INS--at the district level, it seems--not only who to send back, but when to send them back. "It is inexcusable," he said, "given the current conditions in Haiti, that low-level INS officials have the discretion to make these decisions."

Krome Amendments Dropped from Appropriations Bill In a related development, the conference committee that met to resolve discrepancies between the House and Senate versions of Commerce, Justice, and State appropriations bill dropped a provision in the Senate version of the bill that would have imposed a 90-day limit on the detention of aliens at the Krome Processing Center in Florida. The amendment had been introduced by Sen. Bob Graham (D-Fla.), who had said that although Krome was intended as a short-term holding facility, it has become "a long-term detention center." (See *Refugee Reports*, Vol. XII, No. 8.)

The conferees deleted the Krome language, saying, "this issue should not be limited to one section of the country, but instead should be addressed as part of a comprehensive review of INS detention procedures throughout the United States."

The conference report also noted with interest the INS Pilot Parole Program (see *Refugee Reports*, Vol. XII, No. 2) and said it was "eager to see the Service expand the availability of parole for excludable aliens currently under detainment." The conferees specifically urged the Attorney General to "alleviate the problems which have been experienced at Krome Processing Center in Florida under the current Pilot Parole Program so that parole opportunities in the Miami District can be increased," and directed the INS to report to Congress by September 30, 1992 on its efforts "to ameliorate past obstacles to implementing the program effectively."

ASYLUM OFFICERS GIVEN POWER TO INITIATE DEPORTATION PROCEEDINGS

The U.S. government's new corps of asylum officers has been given authority to initiate deportation or exclusion proceedings after denying an asylum claim, according to an interim regulation published in the October 9 *Federal Register* and effective immediately.

Until this point, asylum officers had to refer cases to the Immigration and Naturalization Service (INS) district offices, which were empowered to initiate proceedings. Now, the assistant commissioner for Refugees, Asylum, and Parole (CORAP) and supervisory asylum officers will be able to issue charging documents. Persons denied asylum by asylum officers will still be able to renew their asylum claims before immigration judges in the context of the deportation or exclusion hearing.

Critical comments have begun circulating among service agencies and immigration attorneys. "Maintaining the integrity of the new asylum system for affirmative asylum applicants is predicated on asylum officers not being involved in enforcement activities," said Michael Galligan, co-chair of the American Immigration Lawyers Association committee -on asylum and refugees. "The proposal is a real step backwards that really calls into question the direction and purpose of the new program."

Carol Wolchok, director of the American Bar Association's immigration law project, agreed that asylum officers ought not to take on enforcement functions. She suggested, however, that

asylum officers could play a helpful role by recommending "actions other than issuing an OSC" [Order to Show Cause, which initiates deportation proceedings]. For example, she said that an asylum officer could recommend deferring action on humanitarian grounds for certain applicants who have not met the refugee standard.

Interim Rule Institutes Mail-in Program The same interim regulation establishes a system for filing asylum applications by mail with each of the seven asylum offices rather than with district and files control offices. The seven offices are located at Newark, N.J.; Arlington, Va.; Miami, Fla.; Houston, Tex.; Chicago, Ill.; and Los Angeles and San Francisco, Calif.

A background note to the regulations says that the mail-in procedure is expected to result in "the more rapid receipt of applications at the asylum offices and the avoidance of time-consuming alien file transfer arrangements."

The INS says, "This mail-in procedure for asylum applications will expedite the asylum adjudication process and will prevent the potential loss of applications in the forwarding process."

Refugee rights advocates generally applaud the mail-in proposal. A draft comment letter circulated by the National Immigration, Refugee, and Citizenship Forum says that the mail-in idea "makes sense" as a way of avoiding "duplicative and unnecessary work...lost documents and extra delays in the processing of applications." That same comment, however, also suggests giving applicants proof of receipt of their applications to enable them to proceed with work authorization.

Judy Rabinovitz, staff counsel of the Immigrants' Rights Project of the American Civil Liberties Union (ACLU), suggested that an automated receipt would be the best approach, particularly if the applicant needs to prove that the Service had not acted within the required time limit for ruling on work authorization. "Mailing-in runs the risk of sending the application into the void," she said. She is hoping that the INS will develop a system of sending back receipts within two days of filing the application.

Update

- The number of Cuban arrivals in Florida has continued to surge. The Florida Refugee Programs Administration, citing U.S. Coast Guard statistics, reports that, as of October 28, 1991, the number of arrivals had risen to 2,037. In 1989 and 1990, the number of Cuban arrivals had been 391 and 467 respectively. Between 1983 and 1988, the number of arrivals ranged between 19 and 59 per year.

- On October 26, the Malaysian government closed the refugee camp at Bidong Island, and transferred its 4,778 Vietnamese residents to the Sungai Besi transit camp. According to *The Washington Times*, some 230,000 Vietnamese boat people have passed through at Bidong Island since 1975.

Feature

LIBERIAN REFUGEES: WELCOME WEARS THIN, FUTURE REMAINS UNCERTAIN

[Refugee Reports *staff writer Hiram A. Ruiz recently returned from a month-long site visit to Liberia, Côte d'Ivoire, Guinea, and Sierra Leone. The following is a report of his findings.*]

It has now been nearly two years since the start of the Liberian civil war and the Liberian exodus that followed. The response of local people in neighboring countries when Liberian refugees first fled there was exemplary. They welcomed the refugees into their homes and shared their food with them. Their generosity not only prevented the creation of massive refugee camps, but also helped avert a major disaster since the response of the international community to the emergency was woefully slow.

The "cohabitation" (as refugees' living together with locals is called in the region) has been the focus of much international attention

and praise. But, as might be expected, the passage of time has brought increasing problems and tensions, and for many of the refugees and locals, the honeymoon is over.

In Liberia, the war is essentially over, but the country remains divided. Monrovia is under the control of the West African peace-keeping force known as ECOMOG. The capital is administered by the Interim Government of National Unity (IGNU), headed by Dr. Amos Sawyer. The rest of the country is to varying degrees under the control of the National Patriotic Front of Liberia (NPFL), headed by Charles Taylor.

Recent political developments have raised hopes that a political solution, including national elections, may be possible, but many Liberians, including most refugees interviewed in neighboring countries, remain skeptical.

Refugees Forced to Flee Sierra Leone In April 1991, the Liberian civil war dramatically spilled over into Sierra Leone. Liberian rebels invaded eastern Sierra Leone, the country's most fertile and mineral-rich region, bringing with them the horrors associated with the war in Liberia and causing economic havoc. As Sierra Leoneans fled to neighboring Guinea or became displaced within Sierra Leone, the Liberian refugees who had been living in Sierra Leone bore the brunt of local people's anger over the invasion. Some of the Liberians fled to Guinea. Many others moved toward the Sierra Leonean capital, Freetown, from where they had to be evacuated by ship to Monrovia. Of a pre-invasion Liberian refugee population of some 125,000 (a figure that may have been high), only some 10,000 now remain in a refugee camp near Freetown.

These events in Sierra Leone were far more dramatic than anything occurring in Côte d'Ivoire or Guinea, where the build-up of tension has been gradual and arises from strains associated with the cohabitation itself.

"Even in Families, There Are Problems" The cohabitation that occurred between Liberians and local people in neighboring countries was an unplanned phenomenon. It is unusual in the degree to which refugees are living with locals, as opposed to being in refugee camps or even in refugee settlements near local villages. It has been widely praised and viewed as a possible model for responding to some future refugee flows. Some of those involved in the relief effort, however, seem reluctant to analyze the pros and cons critically. While cohabitation clearly has worked, it has its share of problems, especially in Côte d'Ivoire.

The top local government official in the Ivorian town of Danane, which has the largest concentration of Liberian refugees in Côte d'Ivoire, stresses that the cohabitation is working, though he admits, "Even in families there are problems."

But the problems are not universal. In villages nearest the border, where refugees and locals are often related or have life-long links, problems are minimal. Farther away from the border, where links are less direct, problems increase, and in villages where refugees outnumber locals, they are greater still. But tensions reach a peak in the few large towns in the area, particularly Danane, where many of the refugees from Monrovia and other Liberian cities are culturally very different from the locals.

In Danane, locals and Ivorian officials blame the refugees for increased crime and violence. As one local man told me, "Before the refugees arrived, Danane was small, calm. Now it's not safe. There is more fighting, stealing, guns, and insecurity. You can't walk the streets at night." Other issues, such as the wearing of jeans and shorts by women and the increase in prostitution add to the friction.

Food, Health Care, and Education Distributing and sharing food is a major problem. Locals complain that they shared their food reserves with the refugees when they arrived, but that now the refugees won't share their rations with them. Refugees counter that locals demand food in exchange for accommodation and complain that if they do give the locals food, they will not have enough for themselves.

Refugees also complain that they do not have the access to health care and medicines that they were previously offered. They also complain that when they work for local people, they are often not paid or are paid less than promised.

Education is another sore point. Until recently, the Ivorian government had refused to

Children at Monrovia orphanage gather around truck delivering food. Most of Monrovia's residents are still dependent on free food distributions. *USCR/ H. Ruiz*

allow any education program for refugee children, and had in fact shut down a number of schools begun by church groups and refugees themselves. The Ivorian position on education may now be shifting, however.

While there have been relatively few reports of incidents between locals and refugees, there has been a dramatic change in the official government policy towards refugees, at least those who have arrived since May 1991. The government no longer considers newly arrived Liberians to be refugees, labeling them instead as "tourists" or "visitors". This means that they have no legal status and are not able to register to receive assistance. Refugees also complain of an increase in arrests of refugees by local police.

Finally, there is a growing feeling that with the war in Liberia seemingly over, it is time that the refugees start heading home. An Ivorian official in Abidjan, the Ivorian capital, told me that she often hears colleagues in the government remark, "When will the refugees go home?" and "They are a burden."

Refugee Resettlement Processing Begins The regional U.S. Refugee Resettlement Office (USRRO), based in Freetown, Sierra Leone, and carrying out joint voluntary agency functions, has begun processing Liberian refugees. For the past few months, refugees identified as meeting criteria for categories P1 through P3--refugees of compelling concern, former U.S. government employees, and close family relatives of U.S. residents--have been completing resettlement application forms and contacting relatives in the United States to complete Affidavits of Relation-

ship. USRRO began interviewing applicants in Côte d'Ivoire in late September. Applicants in other countries in the region are also due to be interviewed. An INS circuit rider may visit the region in November to begin INS interviews.

To assist eligible refugees, the UNHCR office in Danane posted a sign outside its office detailing the eligibility criteria for the U.S. resettlement program. UNHCR staff and Liberian volunteers have been assisting refugees who believe they may be eligible to complete applications. As of late August 1991, UNHCR had helped process 38 resettlement applications from former U.S. government employees and 60 refugees with immediate relatives in the United States. These 98 cases represent some 400 to 500 individuals.

According to U.S. embassy staff in Abidjan, between late 1990 and July 1991, in advance of the resettlement program, the embassy issued visas to approximately 500 Liberian refugees "in need" who would potentially meet the P1-P3 requirements. Since July, with the resettlement program imminent, the issuing of visas has been tightened, and Liberians seeking visas who are likely to meet the P1-P3 criteria have been given resettlement application forms to complete.

Monrovia: A False Sense of Normalcy The streets of Monrovia are once again packed with people and vehicles. The markets are bustling, shops are open, as are several restaurants and a number of drinking spots. There are football games and beauty contests, government offices are functioning, and some schools are operating. Except for the roadblocks that remain at key intersections in the city, there is a sense that the city is back to normal.

But one does not have to look far below the surface to realize that it is a false normalcy. The vast majority of Monrovia's residents, who are now estimated to number 700,000, are jobless. They are dependent on the free food distributions that continue for all the city's residents, and on cash remittances from relatives in the United States.

Of those who do have jobs, few receive full salaries. It is primarily local staff of the many UN agencies and international relief groups based in Monrovia who can count on a full salary. Government employees, including IGNU officials, health care workers, police, teachers, etc., receive periodic "incentives", as and when the IGNU can afford.

Although there is security in the city, some still fear that the war may resume if plans for a political solution fail. Many continue to suffer the after-effects of the horrors associated with the war, while others are said to nurture the desire to seek revenge.

In the NPFL-controlled countryside, the security situation has improved, but remains precarious. There is lack of discipline among many of the rebel soldiers, a significant number of whom are teenage boys. This results in harassment of civilians and contributes to a sense of insecurity in many areas of the country. The Liberian rebel incursion into Sierra Leone and heavy fighting in Grand Jideh county between June and August (which caused 10,000 more Liberians to flee to Côte d'Ivoire) attest to the fact that peace has by no means returned to Liberia.

Prospects for Peace Recently, Taylor, Sawyer, and leaders of the Economic Community of West African States (ECOWAS), the group that sent the ECOMOG peace-keeping force, reached a new accord which, if implemented, paves the way for a political solution. The accord calls for the encampment and disarming of all fighting factions (there are two others besides Taylor's) under ECOWAS supervision. Taylor previously opposed such a move, but is said to have agreed on condition that more troops from French-speaking ECOWAS countries join ECOMOG and that Taylor jointly supervise with ECOMOG the encampment process in NPFL areas. Following the disarming and encampment of troops, national elections would be scheduled under the recent accord. Presumably, a mass repatriation program for Liberian refugees would be launched, but to date there has been little public discussion of such a plan, and many refugees interviewed seemed wary of returning anytime soon.

Opinions among both Liberians and foreign relief workers about the prospects for the peace plan are mixed, ranging from guarded optimism to deep pessimism. One positive sign, however, is the increasing contact between Liberians on both sides of the artificial divide.

Recently, a conference was held in Gbarnga, Taylor's "capital", for Liberians from both sides to discuss the problem of traumatized children, including those who have been participants in violence and those who still carry arms. Leaders of SELF, the indigenous Monrovia private agency that set up the food distribution system in the capital, also traveled to Gbarnga to advise a newly formed group seeking to replicate SELF's efforts in NPFL-held areas.

Job Board

Researchers (Two Positions) Africa Watch, an affiliate of Human Rights Watch, is seeking two researchers to monitor human rights developments in several countries in Africa. Responsibilities include on-site investigations, producing reports, newsletters, press releases, and other advocacy efforts aimed at curtailing human rights violations.

Applications should include a resume, writing sample, and name, address, phone numbers and fax number for two references.
Contact: Executive Director, Africa Watch, 485 Fifth Avenue, New York, NY 10017-6104. (212) 972-8400.

Executive Director The Chicago Coalition for Immigrant and Refugee Protection, a group of 27 nonprofit agencies serving Illinois, is seeking an executive director. Responsibilities include program and policy development, advocacy, administration, fundraising, and coalition building. Excellent speaking and writing abilities are required and experience in immigrant and refugee issues desired.

Resumes with cover letter should be sent by November 14, 1991.
Contact: Carol Waldman, 1661 S. Blue Island Ave., Chicago, IL 60608. (312) 226-0175. Fax: (312) 421-4643.

Program Associate for Asia The Cambridge, Massachusetts-based Unitarian Universalist Service Committee is seeking an international development specialist to provide administrative and technical support to UUSC partners in India and the Philippines. Living and working experience in the region is required and a graduate degree in international development or related field is preferred.
Contact: International Search, UUSC-M, 130 Prospect Street, Cambridge, MA 02139. (617) 868-6600.

Executive Director The Center for Immigrants Rights is seeking an executive director. Experience in social change struggles is helpful, as well as a background in program development, administration, and fundraising. Excellent speaking and writing skills are required.
Contract: Search Committee, Center for Immigrants Rights, 48 St. Marks Place, New York, NY 10003.

Conferences

REFUGEES WORK: AN ORR WORKSHOP ON FINDING JOBS FOR REFUGEES

"Refugees Work," a participatory workshop on finding good jobs for refugees and on employment services program design will take place January 23 to 25, 1992, at the Crowne Plaza Holiday Inn in Rockville, Md. The workshop, sponsored by the U.S. Office of Refugee Resettlement (ORR), is designed for grass-roots operators of refugee service programs as well as for policymakers. The timing--noon Thursday through noon Saturday--means that participants can take advantage of the lower airfares that accompany roundtrips with a Saturday night stay-over.

In early November, ORR will mail a detailed description of the event, including the specific subjects to be discussed, registration fee, and hotel reservation cards. For those wishing to be on this mailing list, send name and address to David North, c/o Office of Refugee Resettlement, 370 L'Enfant Promenade, SW, Washington, DC 20447. Persons who responded to ORR's earlier questionnaire on this workshop are already on the mailing list.

STATUS OF SCREENING BY COUNTRY OF FIRST ASYLUM IN SOUTHEAST ASIA
(All totals are as of August 31, 1991)

Country	Number of Decisions	Screened-in	Screened-out (Incl. Appeals)	Pending Announcement*
Hong Kong	27,314 **	5,828 (21%)	18,957	0
Indonesia	5,857	2,082 (35%)	3,775	0
Malaysia	8,020	2,661 (38%)	4,215	1,144
Philippines	6,642	1,194 (40%)	1,762	3,686
Thailand	8,639	515 (18%)	2,216	5,908
TOTALS	**56,472**	**12,280 (35%)**	**30,925**	**10,738**

*Decisions made pending announcement
**The State Department could not account for 2,529 decisions that were neither listed as screened-in nor as screened-out.

Source: Bureau for Refugee Programs, Department of State

REFUGEE REPORTS is published monthly for $37.50 per year for one subscription, $25.00 each for two or more subscriptions to the same addressee, or $25.00 each for ten or more subscriptions requested at the same time, mailed to separate addresses; overseas postage is an additional $24.00 for second class or an additional $75.00 for airmail; by ACNS, 95 Madison Avenue, Third Floor, New York, NY 10016. Second Class Postage paid at New York and additional mailing offices. POSTMASTER: send address changes to *Refugee Reports*, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204.

Editorial comments and inquiries should be sent to : *Refugee Reports*, 1025 Vermont Avenue NW, Suite 920, Washington, DC 20005. All communications regarding subscriptions should be sent to: *Refugee Reports* Subscriptions, Sunbelt Fulfillment Services, P.O. Box 41536, Nashville, TN 37204. (615) 377-3322.

Basic subscription rate for 12 issues per year: $37.50; Multiple-copy rate: $25.00; Single copies of back issues: $4.00
Co-Editors: Bill Frelick and Virginia Hamilton; Staff Writers: Court Robinson and Hiram A. Ruiz
Distribution Manager: Carolyn Moore; Production Coordinator: Koula Papanicolas
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Refugee Reports

A News Service of the U.S. Committee for Refugees, a Project of the American Council for Nationalities Service
Sunbelt Fulfillment Services
P.O. Box 41536
Nashville, TN 37204

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